

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/579,229
Applicant : Vasso Apostolopoulos et al.
Filed : April 6, 2007
TC/A.U. : 1635
Examiner : Kimberly Chong

Docket No. : 3489-103
Customer No. : 06449
Confirmation No. : 1201

Director of the United States Patent
and Trademark Office
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RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action dated May 13, 2009, the examiner of the above-referenced patent application vacated the Restriction Requirement previously issued in favor of a new Restriction Requirement.

More specifically, the examiner has divided the claims into the following groups:

Group I: claims 50-69, drawn to a compound comprising a conjugate of a polynucleotide or oligonucleotide molecule, a carrier comprising at least one aldehyde group and an optional linker conjugating the polynucleotide or oligonucleotide with the carrier, wherein the polynucleotide or oligonucleotide is 5 to 50 bases in length;

Group II: claims 50-69, drawn to a compound comprising a conjugate of a polynucleotide or oligonucleotide molecule, a

carrier comprising at least one aldehyde group and an optional linker conjugating the polynucleotide or oligonucleotide with the carrier, wherein the polynucleotide or oligonucleotide is 50 bases to 10 kilobases in length; Group III: claims 50-69, drawn to a compound comprising a conjugate of a polynucleotide or oligonucleotide molecule, a carrier comprising at least one aldehyde group and an optional linker conjugating the polynucleotide or oligonucleotide with the carrier, wherein the polynucleotide or oligonucleotide is 1 to 6 kilobases in length.

Prior to addressing the outstanding new Restriction Requirement, Applicants wish to thank the examiner for the courtesy of the telephone conference granted their undersigned representative on September 3, 2009. During the telephone conference, the basis for the outstanding Restriction Requirement as well as for the previous ones were discussed. The possibility of the outstanding Restriction Requirement being withdrawn also was discussed.

Applicants hereby traverse this Restriction Requirement. The present invention is directed to the use of a carrier comprising at least one aldehyde group (such as oxidized mannan) as a delivery agent for an oligonucleotide or polynucleotide to

cells. The length of the oligonucleotide or polynucleotide is not significant. Applicants therefore submit that the claims of Groups I, II and III form a single inventive concept under PCT Rule 13.1, and they request that this new Restriction Requirement be withdrawn.

This having been said, Applicants recognize that in order to fully comply with the Restriction Requirement, they must elect a group for initial prosecution on the merits. Applicants hereby elect the claims of Group II for initial prosecution on the merits in the event that the examiner makes the outstanding Restriction Requirement final.

Applicants respectfully submit that the elected claims are in condition for allowance.

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